

TOWN OF SOUTHAMPTON

Department of Land Management
Zoning Board of Appeals
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968

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TOWN SUPERVISOR

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ADAM GROSSMAN

BOARD MEMBERS
KEITH TUTHILL
BRIAN DESESA
DENISE O'BRIEN
HELENE BURGESS
LAURA STEPHENSON

Laura Stephenson - Absent

PRELIMINARY AGENDA – NOT OFFICIAL

SOUTHAMPTON TOWN ZONING BOARD OF APPEALS
PUBLIC HEARING AGENDA
May 1, 2014

The Zoning Board of Appeals meeting is held in the Town Board Room, 116 Hampton Road, Southampton. Applications are scheduled to begin at 7:00 p.m., or shortly thereafter. Applications may not be heard in the order as they appear on this agenda. Current agendas may be viewed on the internet at the following address: www.southamptontownny.gov

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES

Please note: Applications highlighted in GRAY have requested an adjournment or have requested to withdraw the application

MINOR VARIANCE REVIEW

SCTM - HAMLET

None scheduled for this meeting

NEW APPLICATIONS

SCTM – HAMLET

- Nicholas Monti** (appl. 1400039) Keith 900-380-1-72 Remsenburg/Speonk
6 Southwind Road
Applicant requests relief from §330-84D (pyramid height) for a proposed encroachment in the amount of 0.3066 cubic feet and relief from §330-115D(5) and §330-77E for an accessory side yard setback of 3 feet where 10 feet is permitted for a proposed accessory storage shed. In addition, applicant requests relief from §330-77G to allow a proposed generator and its support structure to be located 6 feet from the side property line where the Town Code requires a 10 foot setback from all property lines on a nonconforming lot and any other relief necessary.
- Frederick Finger** (appl. 1400040) Brian 900-9-2-19 Noyac
68 Ridge Drive
Applicant requests a determination that the subject parcel SCTM# 900-9-2-19 is held in single and separate ownership from the adjacent parcel to the South identified as SCTM# 900-9-2-20 and thus entitled to relief pursuant to §330-115D and any other relief necessary.

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NEW APPLICATIONS - Continued

SCTM – HAMLET

3. **Steven M. Herman** (appl. 1400041) 900-376-1-51 Westhampton
32 Honeysuckle Lane
Applicant requests relief from §330-77A (placement of accessory buildings and uses in residence district) to allow an accessory off-street parking area to be located within the required front yard, and §330-103 (corner clearance) to allow vehicular parking within the "corner clearance" area which is prohibited and any other relief necessary.

4. **Colleen Tracy** (appl. 1400042) Adam 900-338-1-18.4 East Quogue
22 Box Tree Road
Applicant requests relief from §330-77D (placement of accessory buildings and uses in residence districts) to allow a proposed rear yard coverage of 37.9% where only a maximum of 20% is permitted for the location of a proposed 50' x 110' tennis court and any other relief necessary.

5. **David Walsh** (appl. 1400043) Helene 900-81-2-19.1 Water Mill
1109 Head of the Pond Road
Applicant requests relief from §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 60 feet where 80 feet is required and a principal rear yard setback of 75.5 feet where 100 feet is required for a proposed two-story dwelling. In addition, applicant requests relief from the following provisions of the Town Code for a proposed tennis court to be located within the required front yard and total required side yard: (i) §330-76D (placement of accessory buildings and uses in all districts), (ii) §330-83C (yards) and (iii) §330-11 for an accessory distance from street setback of 65 feet where 90 feet is required on a nonconforming lot and any other relief necessary.

6. **Laurie Johnson** (appl. 1400044) Herb 900-360-1-35 East Quogue
6 West End Avenue
Applicant requests relief applicant from the following provisions of the Town Code to legalize an existing wood deck constructed within the required front and side yard of the principal building without the benefit of a building permit on a nonconforming lot: (i) §330-76D (placement of accessory buildings and uses in residence districts), (ii) §330-83C (yards), (iii) §330-115C (continuance) for a principal front yard setback from the existing 29.6 feet to 25.5 feet, and (iv) relief from §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback from 10 feet to 7 feet. In addition, applicant requests relief from the following provisions of the Town Code to legalize an existing detached wood platform located within the required side yard of the principal building: (i) §330-76D (placement of accessory buildings and uses in residence districts), (ii) §330-83C (yards), (iii) §330-11 for an accessory side yard setback from 10 feet to 0.5 feet, and (iv) §330-84D (pyramid height) and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

None scheduled for this meeting

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NEW - ADJOURNED APPLICATIONS

SCTM – HAMLET

Adjourned from the 4/17/14 meeting:

7. **Scott Weiss** (appl.1300038) Brian 900-69-3-14 Bridgehampton
14 Halsey Street
Applicant requests relief from Town Zoning Law as follows: i) §330-84D (pyramid height) for the proposed one story addition to the northerly facade in the amount of 242.92 cubic feet, and proposed 1st and 2nd story rear addition in the amount of 333.785 cubic feet and an additional 576.705 cubic feet for a partial 2nd floor addition to the existing dwelling where 2,848.365 cubic feet is existing (for a total encroachment of 3,425.07), (ii) §330-115C (continuance) for a principal side yard setback of 5 feet where 9 feet is existing for a proposed one story addition to the existing residence, (iii) §330-83C (yards) to allow a bilco door to be 4.5 feet from the northerly property line where a 5 foot setback is required, and (iv) §330-11 (residential districts table of dimensional regulations) for lot coverage in excess of 20% on a nonconforming lot and any other relief necessary.

SCOPING SESSION

SCTM – HAMLET

None scheduled for this meeting

HOLDOVER APPLICATIONS

SCTM – HAMLET

Held over from the 9/5/13 meeting; adjourned from the 9/19/13 and the 10/17/13 meeting; held over from the 11/7/13 meeting; Adjourned from the 1/2/14 and the 2/20/14 meeting:

8. **Greg Rinn & Christine Poon** (appl. 1300085) Denise 900-369-1-86 Remsenburg
18 South Crestview Drive
Applicant requests relief from §330-84D (pyramid law) for a proposed encroachment in the amount of 623 cubic feet for a proposed two-story dwelling on a nonconforming lot. In addition, applicant requests relief from §330-84D (pyramid law) for a proposed encroachment in the amount of 590 cubic feet, §330-76D (placement of accessory buildings and uses in all districts) and §330-83C (yards) for a proposed detached garage to be located within the total required side yard of the principal dwelling on a nonconforming lot and any other relief necessary.

Held over from the 9/5/13 meeting; adjourned from the 9/19/13 and the 10/17/13 meeting; held over from the 11/7/13 meeting; Adjourned from the 1/2/14 and the 2/20/14 meeting:

9. **Open Space Holdings, LLC** (appl. 1300084) Denise 900-369-1-88 Remsenburg
16 South Crestview Drive
Applicant seeks relief from §330-76(C)(1) to permit two proposed accessory structures (pool and cabana) on a nonconforming lot without a principal structure where (i) the applicant cannot demonstrate the existence of sufficient buildable area to construct a principal structure on the premises; and (ii) the lot contiguous to the subject premises is nonconforming and any other relief necessary.

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HOLDOVER APPLICATIONS - Continued

SCTM – HAMLET

Held over from the 1/16/14 meeting; adjourned from the 3/6/14 and the 3/20/14 meeting:

10. **George Fellows** (appl. 1300138) Herb 900-51-2-4.3 Bridgehampton
807 Lumber Lane
Applicant requests relief from the following provisions of the Town Code: For a gazebo constructed within the required front yard without the benefit of a building permit: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback to 72 feet where 90 feet is required, (ii) §330-76D (placement of accessory buildings and uses in residence districts) and (iii) §330-83C (yards); For a bocce court constructed within the required front yard without the benefit of a building permit: relief from §330-11 for an accessory distance from street setback to 77 feet where 90 feet is required, (ii) §330-76D (placement of accessory buildings and uses in residence districts) and (iii) §330-83C (yards); For the stone wall on the southerly side of the property installed without the benefit of a building permit: relief from §330-109A(1) to allow the stone wall to remain within the required front yard at a height of 5'-6" where no fence or wall in a required front yard shall have a height greater than four feet and any other relief necessary.

Held over from the 3/6/14 meeting:

11. **Sun Oil Company (Sunoco).** (appl. 1300092) 900-158-3-1 Tuckahoe
478 County Road 39 Adam
Applicant requests relief from the Town Zoning Law as follows:
Sign #1. Freestanding pole sign(including price sign): §330-203B(12): the pole sign is specifically prohibited due to the fact that the proposed sign does not comply with the criteria pursuant to §330-205B(4) as follows (as defined and depicted in §330-201(see attached)): i) §330-205B(4)(Freestanding signs, including pole and monument signs): the proposed sign area is 48 sq. ft. but where the maximum area permitted is 16 sq. ft., ii) the proposed sign height is approximately 19 feet above grade, and where the maximum height permitted is 8 feet above grade, iii) single pole signs are only permitted to be constructed of wood or metal, but where the commercial message area of the sign is constructed with fabricated polycarbonate- type translucent sign panels, iv) §330-205B(4): The pole does not include a decorative horizontal support, and is not suspended from said support, v) §330-205B(2)(corner clearance: the sign structure is located within the prohibited "corner clearance" area (as defined and depicted in §330-201: code-referenced diagram attached), vi) §330-205B(2)(property line setback): The front setback from the northerly property line along CR39 to the base of the pole is at or about 5.5 feet, and the front setback from the westerly property line along Magee St. to the base of the pole is at or about 4.7 feet, and where each setback is less than the required 20'-0" minimum front yard set back from each fronting property line, vii) §330-84D(1)(height): The sign encroaches beyond the line of the sky plane as it projects from the northern property line (CR39) in the amount to be submitted prior to appearance before the Board , and where the encroachments are not permitted in the Highway Business (HB) District, vii) §330-207(Illuminated signs): The existing internally illuminated sign box placed at the top of the pole does not include an opaque background in combination with translucent letters and symbols pursuant to §330-207A, ix) §330-207(Illuminated signs):The proposed internally illuminated sign box attached to the northerly face of the sign pole (used to display fuel product pricing) does not include an opaque background in combination with translucent letters and symbols pursuant to §330-207A,

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11. Sun Oil Company (Sunoco) – Continued

x) §330-203B(2): The fuel product pricing sign utilizes a prohibited method of illumination in that the light emitting diode (L.E.D.) element is directly visible and is deemed to be a "neon type" where the light source is directly visible, and where only those illuminated signs that are exempt under §330-203A(9)(interior signs not visible from the street), or which meet the conditions, limitations, and restrictions within §330-207 and are not prohibited under § 330-203B ("neon-type signs"), shall be permitted.

Sign #2. Signage applied or erected upon fuel dispensing equipment: i) §330-205(General Provisions): Signage applied to or erected upon equipment is not a permitted sign type, and where up to 2 sq. ft. of each facade may be exempt under §330-203A, and where approximately 12.64 square feet of commercial signage is either proposed in the amount of 2 square feet, and to be maintained in the amount of 10.64 square feet, at each of four units of fuel dispensing equipment, and where the net area of signage in excess of the exempted amount is 8.64 sq. ft. and not permitted, ii) §330-203B(11)(prohibited signs): Any of the signs referred to in §330-203A which exceed the number, size or other limitations set forth therein; Further designation between the existing signage to be maintained, and the proposed signage is broken down as follows: The existing signage to be maintained at each fuel dispenser consists of a graphic header at 10.64 square feet, and approximately 2 square feet of graphics at each unit of equipment display, therefore, the total signage at each dispenser subject to review by the Board is 12.64 square feet, and where the amount of signage in excess of the exempted area is 8.64 sq. ft., and multiplied by each of the four units is 34.56 square feet, and prohibited pursuant to the referenced code section.

Sign #3. Proposed internally illuminated wall sign: i) §330-207A(illuminated signs): The sign area will be constructed using only a translucent lens material, and not a combination of an opaque background with translucent letters and symbols as required, ii) §330-208A(permits, fees, violations): the proposed includes periodic design modifications, but no changes to the sign structure and light fixture. Sign modifications including, but not limited to changes in design criteria, require an approved sign permit prior to installation, iii) §330-208A(2): Any design modification to a sign, in addition to a permit from the Building Department issued under Subsection A(1) above, and notwithstanding anything to the contrary set forth in § 330-170B, approval shall be required from either:

- (a) The Planning Board with respect to all signage relating to a project that requires Planning Board approval pursuant to the Town Code and for which a certificate of occupancy has not been issued;
- (b) The Architectural Review Board, or its successors, for any such project that has received a certificate of occupancy, and where relief is requested from said required design review and approval from either the Planning Board or the Architectural Review Board for each periodic modification to the wall sign and any other relief necessary.

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HOLDOVER APPLICATIONS - Continued

SCTM – HAMLET

Held over from the 4/3/14 meeting; adjourned from the 4/17/14 meeting:

12. **Nancy Robbins** (appl. 1400026) Brian 900-26-2-12 Sag Harbor
 51 Round Pond Lane
 Applicant requests relief from the following provisions of Town Code §330-11.2F to legalize the conversion of an accessory structure used as an artist studio and garage into an accessory apartment without the benefit of a building permit on a lot that is less than 30,000 square feet: (i) for a lot area of 26,709 square feet where 160,000 square feet (80% of 200,000 sq. ft.) is required, (ii) a principal rear yard setback of 43.3 feet where 70 feet (70% of 100 feet) is required, (iii) for an accessory rear yard setback of 27.8 feet where 35 feet (70% of 50 feet) is required, (iv) for an accessory side yard setback of 17.9 feet where 35 feet is required for the 1 1/2 story accessory building, and (v) an accessory side yard setback to 21 feet where 35 feet is required for the shed on a nonconforming lot and any other relief necessary.

Held over from the 3/20/14 meeting; adjourned from the 4/3/14 and the 4/17/14 meeting:

13. **Jose Arajuo** (appl. 1400020) Herb 900-320-1-7 Hampton Bays
 48 Rampasture Road
 Applicant appeals the Building Inspector's denial of a building permit to rebuild a two-story dwelling pursuant to ZBA Decision No. 2539 dated April 3, 1970. In the alternative applicant seeks to re-construct a two-story dwelling pursuant to Town Code 330-167B(2). Should the Board find that applicant is not entitled to re-construction, applicant seeks relief from Town Code 330-116 (extension) as it relates to Town Code 330-167 B(1) to construct a two-story four unit dwelling with decks. In addition, applicant requests relief from 330-184D (pyramid height) for a proposed encroachment in the amount of 193.3 cubic feet for the proposed two-story dwelling and any other relief necessary.

RE-OPEN FOR SUBMISSIONS ONLY

don't use these headings unless needed

RE-OPEN

SCTM – HAMLET

DECISIONS

DATE CLOSED

SCTM – HAMLET

Janet Finkel (written submissions by 4/3/14)	Brian	3/20/14	900-88-2-39.1	Bridgehampton
Haney Farm, LLC (written submissions from Michael Walsh by 3/27/14 and from Kieran Pape Murphree by 4/4/14)	Keith	3/20/14	900-56-1-19.24	Sagaponack
312 Noyac, LLC		6/6/13	900-60-3-13.3	North Sea
Sposato Realty (written submissions by 4/30/14)	Adam	4/17/14	900-359-4-32	Quogue

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<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Quiogue on the Waterfront (written submissions by 4/30/14)	Laura	4/17/14	900-377-1-6.3	Quiogue
Geoffrey Levin & Steffani Levin (written submissions)	Keith	4/17/14	900-367-2-11	Remsenburg
Stephen Verde (written submissions)	Helene	4/17/14	900-373-1-3	East Quogue
Katharine Vosters (written submissions)	Adam	4/17/14	900-86-3-9	Bridgehampton
Katharine Vosters (written submissions)	Adam	4/17/14	900-86-3-10.1	Bridgehampton
Keith Siegeman (written submissions by 4/24/14)	Denise	4/17/14	900-46-2-45.5	Water Mill
John N. Poulmentis	Keith	4/17/14	900-208-2-3	Hampton Bays
H.B. 5 CO, LLC (written submissions)	Keith	4/3/14	900-223-1-3.1	Hampton Bays
Lawrence Wood	Herb	4/3/14	900-357-1-35	Westhampton